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JUL 08 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
MURANAKA, TSUNEYOSHI :
Application Serial No.: 09/941,610 :
Filed: August 30, 2001 :
For: **SYSTEM AND METHOD FOR DATA
COMMUNICATION** :

DECISION
ON PETITION

This is a decision on the petition filed May 20, 2005 under 37 CFR § 1.181 to compel reconsideration by the Examiner of his comments of reasons for allowance.

Petitioner urges that “there appears to be no support in independent claims 1 and 14 for the specific language used by the Examiner in his statement of reasons for allowance beginning in part 2 of page 2, line 14 (thereof) through page 3, line 7.” (Emphasis Petitioner’s)

In accordance with MPEP § 1302.14 “(t)he examiner’s statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable. The examiner’s statement should not create an *estoppel*. Only applicant’s statements should create an *estoppel*. ...Any inferences or presumption are to be determine on a case-by-case basis by a court reviewing the patent, the USPTO examining the patent in a reissue application or a reexamination proceeding, the Board of Patent Appeals and Interferences reviewing the patent in an interference proceeding, etc. Applicant may set forth his or her position if he or she disagrees with the examiner’s reasons for allowance.” Applicant has set forth his or her position in the instant petition which is of record.

Accordingly, the petition is **DISMISSED**.

The application will be forwarded to the Office of Publications for appropriate processing into a patent.

Mark Powell, Director
Technology Center 2600
Communications